

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1313

Chapter 373, Laws of 2005

59th Legislature
2005 Regular Session

BACKGROUND CHECKS--PARK EMPLOYEES--FINGERPRINTING

EFFECTIVE DATE: 7/24/05

Passed by the House April 18, 2005
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 11, 2005
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved May 10, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1313** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 10, 2005 - 9:49 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1313

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives O'Brien, Pearson and Darneille; by request of Parks and Recreation Commission)

READ FIRST TIME 02/17/05.

1 AN ACT Relating to a record check of the parks and recreation
2 commission's job applicants, volunteers, and independent contractors;
3 amending RCW 43.43.570; and reenacting and amending RCW 79A.05.030.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 79A.05.030 and 1999 c 249 s 302, 1999 c 155 s 1, and
6 1999 c 59 s 1 are each reenacted and amended to read as follows:

7 The commission shall:

8 (1) Have the care, charge, control, and supervision of all parks
9 and parkways acquired or set aside by the state for park or parkway
10 purposes.

11 (2) Adopt policies, and adopt, issue, and enforce rules pertaining
12 to the use, care, and administration of state parks and parkways. The
13 commission shall cause a copy of the rules to be kept posted in a
14 conspicuous place in every state park to which they are applicable, but
15 failure to post or keep any rule posted shall be no defense to any
16 prosecution for the violation thereof.

17 (3) Permit the use of state parks and parkways by the public under
18 such rules as shall be adopted.

1 (4) Clear, drain, grade, seed, and otherwise improve or beautify
2 parks and parkways, and erect structures, buildings, fireplaces, and
3 comfort stations and build and maintain paths, trails, and roadways
4 through or on parks and parkways.

5 (5) Grant concessions or leases in state parks and parkways, upon
6 such rentals, fees, or percentage of income or profits and for such
7 terms, in no event longer than fifty years, and upon such conditions as
8 shall be approved by the commission: PROVIDED, That leases exceeding
9 a twenty-year term shall require a unanimous vote of the commission:
10 PROVIDED FURTHER, That if, during the term of any concession or lease,
11 it is the opinion of the commission that it would be in the best
12 interest of the state, the commission may, with the consent of the
13 concessionaire or lessee, alter and amend the terms and conditions of
14 such concession or lease: PROVIDED FURTHER, That television station
15 leases shall be subject to the provisions of RCW 79A.05.085, only:
16 PROVIDED FURTHER, That the rates of such concessions or leases shall be
17 renegotiated at five-year intervals. No concession shall be granted
18 which will prevent the public from having free access to the scenic
19 attractions of any park or parkway.

20 (6) Employ such assistance as it deems necessary. Commission
21 expenses relating to its use of volunteer assistance shall be limited
22 to premiums or assessments for the insurance of volunteers by the
23 department of labor and industries, compensation of staff who assist
24 volunteers, materials and equipment used in authorized volunteer
25 projects, training, reimbursement of volunteer travel as provided in
26 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to
27 volunteer recognition. The commission, at its discretion, may waive
28 commission fees otherwise applicable to volunteers. The commission
29 shall not use volunteers to replace or supplant classified positions.
30 The use of volunteers may not lead to the elimination of any employees
31 or permanent positions in the bargaining unit.

32 (7) By majority vote of its authorized membership select and
33 purchase or obtain options upon, lease, or otherwise acquire for and in
34 the name of the state such tracts of land, including shore and tide
35 lands, for park and parkway purposes as it deems proper. If the
36 commission cannot acquire any tract at a price it deems reasonable, it
37 may, by majority vote of its authorized membership, obtain title
38 thereto, or any part thereof, by condemnation proceedings conducted by

1 the attorney general as provided for the condemnation of rights of way
2 for state highways. Option agreements executed under authority of this
3 subsection shall be valid only if:

4 (a) The cost of the option agreement does not exceed one dollar;
5 and

6 (b) Moneys used for the purchase of the option agreement are from
7 (i) funds appropriated therefor, or (ii) funds appropriated for
8 undesignated land acquisitions, or (iii) funds deemed by the commission
9 to be in excess of the amount necessary for the purposes for which they
10 were appropriated; and

11 (c) The maximum amount payable for the property upon exercise of
12 the option does not exceed the appraised value of the property.

13 (8) Cooperate with the United States, or any county or city of this
14 state, in any matter pertaining to the acquisition, development,
15 redevelopment, renovation, care, control, or supervision of any park or
16 parkway, and enter into contracts in writing to that end. All parks or
17 parkways, to which the state contributed or in whose care, control, or
18 supervision the state participated pursuant to the provisions of this
19 section, shall be governed by the provisions hereof.

20 (9) Adopt rules establishing the requirements for a criminal
21 history record information search for the following: Job applicants,
22 volunteers, and independent contractors who have unsupervised access to
23 children or vulnerable adults, or who will be responsible for
24 collecting or disbursing cash or processing credit/debit card
25 transactions. These background checks will be done through the
26 Washington state patrol criminal identification section and may include
27 a national check from the federal bureau of investigation, which shall
28 be through the submission of fingerprints. A permanent employee of the
29 commission, employed as of the effective date of this section, is
30 exempt from the provisions of this subsection.

31 **Sec. 2.** RCW 43.43.570 and 1987 c 450 s 1 are each amended to read
32 as follows:

33 (1) No local law enforcement agency may establish or operate an
34 automatic fingerprint identification system unless(~~+~~

35 ~~(a+))~~ both the hardware and software of the local system ((are))
36 use an interface compatible with the state system under RCW
37 43.43.560(~~+-and~~

1 ~~(b) The local system is equipped to receive and answer inquiries~~
2 ~~from the Washington state patrol automatic fingerprint identification~~
3 ~~system and transmit data to the Washington state patrol automatic~~
4 ~~fingerprint identification system)).~~ The local law enforcement agency
5 shall be able to transmit a tenprint record to the state system through
6 any available protocol which meets accepted industry standards, and the
7 state system must be able to accept tenprint records which comply with
8 those requirements. When industry transmission protocols change, the
9 Washington state patrol shall incorporate these new standards as
10 funding and reasonable system engineering practices permit. The
11 tenprint transmission from any local law enforcement agency must be in
12 accordance with the current version of the state electronic fingerprint
13 transmission specification.

14 (2) No later than January 1, 2007, the Washington state patrol's
15 automatic fingerprint identification system shall be capable of
16 instantly accepting electronic latent search records from any
17 Washington state local law enforcement agency. If specific funding for
18 the purposes of this subsection is not provided by June 30, 2006, in
19 the omnibus appropriations act, or if funding is not obtained from
20 another source by June 30, 2006, this subsection is null and void.

21 (3) A local law enforcement agency operating an automatic
22 fingerprint identification system shall transmit data on fingerprint
23 entries to the Washington state patrol electronically (~~by computer~~).
24 This requirement shall be in addition to those under RCW 10.98.050 and
25 43.43.740.

26 ~~((3) Counties or local agencies that purchased or signed a~~
27 ~~contract to purchase an automatic fingerprint identification system~~
28 ~~prior to January 1, 1987, are exempt from the requirements of this~~
29 ~~section. The Washington state patrol shall charge fees for processing~~
30 ~~latent fingerprints submitted to the patrol by counties or local~~
31 ~~jurisdictions exempted from the requirements of this section. The fees~~
32 ~~shall cover, as nearly as practicable, the direct and indirect costs to~~
33 ~~the patrol of processing such fingerprints.))~~

34 (4) Any personnel functions necessary to prepare fingerprints for
35 searches under this section shall be the responsibility of the
36 submitting agency.

1 (5) The Washington state patrol shall adopt rules to implement this
2 section.

Passed by the House April 18, 2005.

Passed by the Senate April 11, 2005.

Approved by the Governor May 10, 2005.

Filed in Office of Secretary of State May 10, 2005.